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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,693	01/02/2004	Dan M. Manole	TEC1223-01	4112
832	7590	08/22/2007	EXAMINER	
BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			JIANG, CHEN WEN	
			ART UNIT	PAPER NUMBER
			3744	
			MAIL DATE	DELIVERY MODE
			08/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/750,693	<b>Applicant(s)</b> MANOLE, DAN M.	
	<b>Examiner</b> Chen-Wen Jiang	<b>Art Unit</b> 3744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 07 June 2007.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 4,5,7-24 and 26-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 4,5,7-9,11,12,17-24 and 26-30 is/are allowed.
- 6)  Claim(s) 10 and 13-16 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 02 January 2004 is/are: a)  accepted or b)  objected to by the Examiner.
  - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All    b)  Some \*    c)  None of:
      - 1.  Certified copies of the priority documents have been received.
      - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

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**DETAILED ACTION**

1. In view of the appeal brief filed on 9/18/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

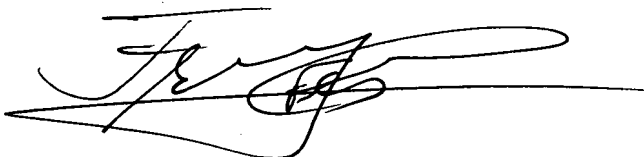
(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Frantz Jules.

**FRANTZ JULES  
SUPERVISORY PATENT EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz Jules', is written over a horizontal line. The signature is stylized and cursive.

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***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 10 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monfarad (U.S. Patent Number 6,687,122) in view of Viswanath et al. (U.S. Patent Number 6,493,223) and further in view of Beebe et al. (U.S. Patent Number 6,148,635) and Lehmann (U.S. Patent Number 5,839,295).

In regard to claims 10 and 13, Monfarad discloses a compressor refrigeration sink module for use in cooling electronic component environments. Referring to Figs.3-8, the module comprises hermetic compressor 12,612, frame/housing 74,774,66,766, cooling plate 20,620 with inlet (downstream of 78) and outlet 80, optional receiver, conventional air-cooled condenser 14,614 with inlet 82 and outlet (upstream of 78) and expansion device 18,618. Monfarad discloses plate-evaporator, air-cooled condenser and the compressor is located next to the condenser. Applicant claims plate-evaporator, plate-condenser and the compressor is located

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between the plate-condenser and plate-evaporator. The differences between the prior art of Monfarad and claimed invention are different type of condenser used and different arrangement of the compressor. The substitute of different type of heat exchangers (condenser or evaporator) are well known in the prior art based upon the applications. Viswanath et al. disclose that both plate-condenser and plate-evaporator used in the refrigeration system. The concept of placing a compressor between two heat exchangers is well known in the art as illustrates by Beebe et al. and Lehmann which disclose a compressor between a condenser and evaporator in order to maintain the use of spacing available. It is noted that this arrangement can be applied to a micro-compressor assembly (Beebe) and hermetic compressor assembly (Lehmann). The plate condenser can also apply to micro-refrigeration system and hermetic compressor refrigeration system. The claimed features of plate-condenser and compressor between condenser and evaporator are not size dependent as discussed above. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the apparatus of Monfarad with a plate type condenser in view of Viswanath et al. and place a compressor between a condenser and an evaporator in view of Beebe et al. and Lehmann to form a refrigeration module.

In regard to claims 14 and 15, Viswanath et al. disclose a third heat transfer surface, which are fins attached to the plate.

In regard to claim 16, the matching areas are design choice depending on the heat transfer requirement and structure arrangement of the device. This also is disclosed by Beebe (Fig.2) and Lehmann (Fig.2).

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*Allowable Subject Matter*

4. Claims 4,5,7-9,11,12,17-24 and 26-30 are allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (571) 272-4809.

The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chen-Wen Jiang  
Primary Examiner

